

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

RONALD WADE ROBERTS, #828526	§	
VS.	§	CIVIL ACTION NO. 9:05cv210
DIRECTOR, TDCJ-CID	§	

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Judith K. Guthrie. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of Petitioner's motion for a default judgment because Respondent had not responded to the Petition as ordered (dkt.#13).

Respondent filed objections to the Report. Respondent objects to the Report's statement that "Respondent's failure to file a Response within the time limit does not constitute a showing that Petitioner is in custody in violation of the Constitution or laws or treaties of the United States."

This Court made a *de novo* review of Respondent's objections and clarifies that Respondent filed his Response within the deadline. This Court further clarifies that a respondent's failure to file a response within the time limit does not constitute a showing that the petitioner is in custody in violation of the Constitution or laws or treaties of the United States.

This Court finds that the Magistrate Judge's conclusions are correct and they are adopted. The Court therefore

ORDERS that Petitioner's motion for a default judgment (dkt.#13) is **DENIED**.

So **ORDERED** and **SIGNED** this **15** day of **March, 2006**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge